

Theodore H. Kuyper

From: Keith J. Keogh
Sent: Wednesday, August 7, 2024 12:12 PM
To: Anaya, Vienna; Theodore H. Kuyper
Cc: Peguero, Kristhy; Larson, Anne E.
Subject: RE: Regal - Jenkins - Explanation of Bankruptcy on Claim

Thanks for the letter, but can you confirm that the dollar amount Plaintiff would recover if she accepted the offer to submit a claim cannot be calculated at this point in time?

As for various points you made in the letter, you seem to be under the mistaken assumption that Anne's novel theory the amendment to BIPA changed the value of Plaintiff's claim.

The industry and the defense bar failed to convince the legislature to make the amendment retroactive. So the fall back argument that a different legislature amended the law 16 years after it was enacted means the amendment really clarified what the law always was, is meritless as well as undercut by the flat out refusal to make the law retroactive. If that was the case, almost any change of law would be applied retroactively, which is the exact opposite of the presumption that a change of law is not retroactive unless specified.

As such, Plaintiff's claim for a knowing violation is worth over \$3 million dollars not including legal fees.

In addition, defense costs are part of deductible costs of the Retention so even if Plaintiff only recovers for a negligent violation plus fees, she would recover most of her claim since the Retention would be exhausted after deducting defense cost and any verdict.



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From: Anaya, Vienna <vannya@jw.com>
Sent: Wednesday, August 7, 2024 11:53 AM
To: Keith J. Keogh <keogh@keoghlaw.com>; Theodore H. Kuyper <Tkuyper@Keoghlaw.com>
Cc: Peguero, Kristhy <kpeguero@jw.com>; Larson, Anne E. <anne.larson@ogletree.com>
Subject: Regal - Jenkins - Explanation of Bankruptcy on Claim

Keith, Ted:

Our firm is counsel to Regal Cinemas, Inc. and its affiliates in their bankruptcy cases. Attached please find a letter explaining the impact of the Bankruptcy on your client's claim. Please let me know if you would like to discuss.

Best,

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